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Docket No.: RPC 0575 PUS  
Serial No. 09/921,762

At 13727

UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANT: Justin M. Smyers, et. al EXAMINER: Castellano  
SERIAL NO.: 09/921,762 GROUP ART UNIT: 3727  
FILING DATE: August 3, 2001  
FOR: Stackable Crate  
DOCKET NO.: RPC 0575 PUS

APPEAL BRIEF

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Commissioner for Patents  
P.O. Box 1450  
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Dear Sir:

Appellant files this Appeal Brief pursuant to the Notice of Appeal filed February 2, 2004.

**Real Party in Interest**

The real party in interest is Rehrig Pacific Company, the Assignee of the entire right and interest in this application by assignment recorded on August 3, 2001, at Reel 012056, Frame 0004.

**Related Appeals and Interferences**

There are no related appeals and interferences.

**Status of the Claims**

All of the pending claims, claims 1-15 and 25-47, are rejected and appealed.

**CERTIFICATE OF MAIL**

I hereby certify that the enclosed Appeal Brief (in triplicate) is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 2, 2004.

Konstantine J. Diamond

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indefinite or contradictory, since part of the area is the corner and part of the area is not the corner, but the area (specifically, the part that is not the corner) protrudes inwardly from the corner.

**CONCLUSION**

For the above reasons, 1-15 and 25-47 are patentable. Please charge \$330 for the Appeal Brief fee to Deposit Account No. 50-1984. If any other fees or extensions are due, please charge Deposit Account No. 50-1984.

Respectfully submitted,



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Dated: April 2, 2004